

BOARD OF COUNTY COMMISSIONERS

INTER-OFFICE MEMORANDUM

To: Kim Dressel, Director
Management Services

From: Herbert W. A. Thiele, Esq. 
County Attorney

Date: April 28, 2005

Subject: Proposed Use of the Amtrak Station by the Tallahassee Film Society

As you know, the Tallahassee Film Society has requested the County's approval for a License to use the Amtrak Station for the promotion and exhibition of films in the passenger area of the Amtrak Station. However, prior conveyances of the Amtrak Station to the County included a Joint Participation Agreement (hereinafter "JPA") that was executed among the County, the City of Tallahassee and the Florida Department of Transportation (FDOT). In particular, the JPA requires the County to use the Amtrak station primarily for transportation services. Furthermore, the FDOT advised in a February 1, 1996 correspondence that "...the county will have to legally bind itself to all duties and obligations contained in the JPA, assuring that the maintenance and operation of the facility will not be jeopardized."

In an effort to confirm the County's legal requirements and obligations with the JPA, our office contacted the FDOT's District General Counsel for their approval of the proposed use of the Amtrak Station by the Tallahassee Film Society. During telephone conversations and written correspondence, the FDOT was unwilling to provide approval of the film exhibition at the Amtrak Station. Moreover, the FDOT advised that they objected to our April 27, 2005 correspondence which indicated FDOT approval of same.

At this juncture, our office has completed any pending legal avenues in this matter, and defer to County Administration for further action. We have also attached pertinent documents for your review and consideration. If you have questions or need to discuss this matter further, please contact our office.

HWAT/CAS/eal
Attachments

cc: Tom Brantley, Director, Facilities
Sharon Johnson, Administrative Supervisor



Attachment 5
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Florida Department of Transportation

JEB BUSH
GOVERNOR

1074 Highway 90
Chipley, Florida 32428

JOSE ABREU
SECRETARY

Post Office Box 607
Chipley, Florida 32428
May 11, 2005

City Attorney's Office
Cherry A. Shaw, Esq.
301 South Monroe Street - 2nd Floor
Tallahassee, Florida 32301

Dear Cherry:

Your letter dated April 27, 2005, does not accurately reflect the Department's position concerning the lease of the Amtrak Station to the Tallahassee Film Society. The Department neither approves nor disapproves the lease, because the Department does not have adequate information or knowledge of the intended use by the organization. The County should make the decision to lease based on the terms of the joint participation agreement, which controls the situation.

The Department feels that the funds provided by the agreement were used as intended by its terms. There could be other uses that would comply with the terms of the agreement, but any such deviations from the originally approved use will be at the risk of the County. The County has the responsibility to assure compliance with the terms of the agreement.

If we need to discuss this further, please contact me at 850-638-0250x289.

Sincerely,

Bob Deal
District General Counsel

BD:tj